

Application No. 10/088,193

**REMARKS**

Claims 1-13, 15, and 23 were previously canceled and claim 24 is canceled herein. Claims 22 and 25 are amended herein and no new claims are added. Accordingly, claims 14, 16-22, 25, and 26 remain under prosecution in this application.

**35 USC §102**

Claims 22, and 24-26 are rejected under 35 USC §102 as being anticipated by Herrmann et al. Claim 22 has been amended to incorporate the features of claim 24. New claim 22 includes, amongst other limitations, "wherein the output signal of the pick-up is a sinusoidal alternating voltage or alternating current signal, and the determination unit determines the nominal value with each peak value of the half wave (amplitude) of the voltage or current signal or with each alternation of the pulls or markings of the encoder." Except for the insertion of antecedent basis, claim 22, as amended, incorporates the substance of previously presented claim 24. Nowhere does Herrmann teach or suggest a determination unit which "determines the nominal value of [the output signal] with each peak value of the half wave (amplitude) of the voltage or current signal or with each alternation of a pull or a marking of the encoder." In the Office Action dated October 28, 2004, the Examiner cited column 3, lines 8-14 of Herrmann as a basis for rejecting claim 24. The undersigned has closely reviewed column 3, lines 8-14 of Herrmann and cannot find any rational basis for rejecting the invention set forth in previously present claim 24 (now incorporated into claim 22). Column 3, lines 8-14 of Herrmann merely refer to a control circuit, the output signals of which are transmitted to the vehicle reference model and that the output signals in consideration of individual condition quantities of the vehicle adapt the standard parameters memorized in the vehicle reference model or substitute them by newly built standard parameters. Although this portion of Herrmann discloses the use of output signals in consideration of individual condition quantities of the vehicle, it does not disclose any of the detail set forth in previously presented claim 24 (now amended claim 22).

For example, where does Herrmann teach the claimed "determination unit where [which] determines the nominal value with each peak value of the half wave (amplitude) or with each alternation of a pull or a marking of the encoder."

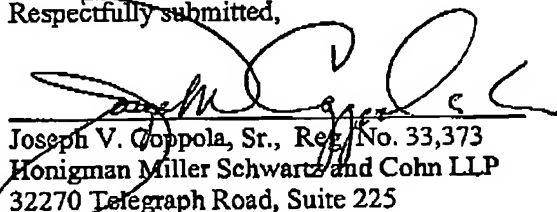
Application No. 10/088,193

For this reason alone, the undersigned believes that newly amended claim 22 is now in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. AP9714 from which the undersigned is authorized to draw.

Respectfully submitted,

*December 22, 2004*

  
Joseph V. Coppola, Sr., Reg. No. 33,373  
Honigman Miller Schwartz and Cohn LLP  
32270 Telegraph Road, Suite 225  
Bingham Farms, MI 48025-2457  
(248) 566-8500  
Attorney for Applicant  
Customer No.: 44200

OAKLAND.640399.1